

Application No. 700-06, Premier Properties USA, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize increases in sign area and height for a previously approved retail center to be located at 165 and 175 Water Country Parkway and further identified as Assessor's Parcel Nos. 11-4-3 and 11-91. The properties are located at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640). The property is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, presented a summary of the staff report to the Commission, dated April 3, 2006. She noted the staff recommended denial. The Ordinance requires that a hardship exists to justify increases in sign area. Such hardship was not shown by the applicant. Draft Resolution No. PC06-10 was included, however, should the Commission recommend approval. The resolution would approve a freestanding roadway sign with a maximum area of 150 sf, the maximum for a shopping center -- although the application was not represented to be a shopping center -- maximum height of 15 ft, maximum wall signage for Target of 340 sf, and no additional wall signage for the JC Penney store.

Mr. Abel asked if the applicant had identified any particular hardship that warrants an increase sign height. **Ms. Parker** stated no hardship as defined by the Zoning Ordinance was identified. **Mr. Hamilton** noted that signage height was a condition of original approval, and **Ms. Parker** noted that any applicant has the right to request "hardship relief" from normal standards.

Chair Ptasznik opened the public hearing.

Ms. Emily Kaiser, Premier Properties USA, Inc., Indianapolis, IN, spoke in favor of approval. She believed restraints brought about by a combination of the shape of the parcel, the proposed center location at the rear of the parcel, and vegetation presented obstacles to contracting with tenants. She noted that most centers of a similar type have signs along multiple public roadways and visibility from different locations. In this case, the approved signage from only one public roadway would limit visibility and is a deterrent to signing tenants. She believed it would be helpful to out-of-town shoppers, particularly, to provide identification for The Marquis beyond the signage that is approved. The anchor tenants are not satisfied with the approved sight lines, she said, and the way to open up sight lines would be to cut down a number of trees, not the applicant's preference. The applicant is maintaining a 45-foot greenbelt buffer, she said. Ms. Kaiser believed that combining tenant panels with architectural features could create features to identify the center and its tenant mix.

Ms. Kaiser noted the Water Country sign is 15 feet tall and, when compared to the 10-foot-tall sign permitted the applicant under the Zoning Ordinance, she did not believe a 10-foot sign would be seen by southbound traffic on Route 199 with the existing vegetation in place. Many retailers who are permitted 10-foot-tall signs, as she demonstrated with photographs, do not have the quantity of vegetation to impede them. Furthermore, she found the signs unattractive. The applicant would offer signs more aesthetically pleasing and more cohesive to setting the tone of the project and identifying their retailers, she said.

Ms. Kaiser displayed renderings of the applicant's proposed signs, noting the importance to a retail center to have its entrance complement the rest of the center and at this time the center elevations are undergoing change. The design of the center, she noted, was not final, but she

displayed the rendering to demonstrate massing. Architectural feel and materials will be correlated into the tenant panels and the applicant is still considering different logos to tie the concept together. Knowing what they can build will affect the ultimate design. Ms. Kaiser said the applicant would work with the County and its tenants.

Ms. Kaiser displayed a photograph of the identification sign for Bridgewater Falls in Cincinnati, another of the applicant's shopping centers, to demonstrate how it successfully merged tenant panels with architectural features. She contrasted it with the "typical square box sign with two pan flux panels on the side."

The proposed Target and JC Penney stores would be massive buildings, and Ms. Kaiser understood that bringing additional area to wall signage creates clutter and the concern the County had expressed about that. She believed the elevations shown to the Commission did not indicate clutter and, in fact, the signs promoted the aesthetic of the building by adding a layering effect and breaking up the monotony that can result from long masses of wall. It defined the entrances for the two retailers without the addition of signs above their entrances, which she believed to be an important element for the County. Ms. Kaiser offered to reduce signage area by eliminating the sign on the east elevation, if required.

Ms. Kaiser concluded her presentation and offered to answer questions.

Ms. Conner registered her disappointment in learning that Target and JC Penney are the first two tenants signed by The Marquis, because when the original presentation was made to the Planning Commission and, presumably, the Board of Supervisors, it was represented to have retailers that were not already in Hampton Roads and a different look and ambience. She pointed out there are Target stores nearby and that JC Penney, Best Buy, Michael's and Pet Smart all are located in the Hampton Roads area. **Ms. Kaiser** explained that the sign displaying those retailers was for the Bridgewater Falls center. **Ms. Conner** acknowledged that and was concerned that the applicant, as a developer, would have relationships with national retailers and as time passes, negotiations would be undertaken – and, in fact, may be underway – with those same retailers. She did not know why a shopper would come to The Marquis when the same retailers could be found nearby. In that sense, she said, the proposed center did not appear to be a regional draw at all but would simply serve the static population to some small degree because shopping centers exist in other parts of York County and greater Williamsburg. As for aesthetics, Ms. Conner did not see any difference in the applicant's rendering of the proposed anchor store identification signs and every other Target and JC Penney sign that she had seen. It appeared, she said, that what was initially represented was significantly different than what is already offered in Hampton Roads.

Ms. Kaiser mentioned other national retailers with which the applicant has relationships, but could not say with whom the applicant is negotiating. She said certain aspects of developing are necessary in order to obtain financing and draw other tenants and the anchors are critical to this process. She said the applicant is currently negotiating with other possible anchor tenants. She is professionally involved with the interior architecture and assured the Commission that the aesthetics of the center would be topnotch, not unlike the initial renderings presented to the Commission and the Board. It would be given an upscale residential, southern ambience.

Ms. Conner stated that she did not see the necessity to bend the County Code for the standard sort of shopping center that appeared to be coming together.

Mr. Abel agreed that the elevations accompanying this application were an eye-opener for him for virtually the same reasons expressed by Ms. Conner. His recollection of the original application was for an attractive, downtown-feel, pedestrian-friendly environment. The current request illustrates two big-box stores situated at the edge of a parking lot with a much larger sign than anything that was contemplated in the original application. He asked Ms. Kaiser what she considered to be the “right tone” the applicant hoped to achieve by the increased sign area.

Ms. Kaiser said the applicant was seeking a classical, southern, upscale, residential feel. All shopping centers developed by the applicant have been modern and were accomplished with high integrity. While the applicant has developed prairie-style and modern centers and has never undertaken a southern-style center, she was confident The Marquis would meet the same high standards.

Mr. Abel asked how a 40-foot sign would communicate what an upscale, southern center is supposed to feel like.

Ms. Kaiser believed a majority of the increase in size is due to the tenant panel needs and the importance of offering them some visibility at the entrance, along the public roadway.

Mr. Abel asked if visibility from the public roadway might be less of a problem for the applicant than visibility from the interstate. He suggested that drivers along Route 199 could figure out where the shopping center was without a 40-foot sign to guide them. He asked if the request for the larger sign area was unrelated to the fact that Interstate 64 runs alongside the development.

Ms. Kaiser did not think a 40-foot sign would be visible from I-64 because it would be set back a distance, and vegetation and medians would also diminish its visibility. She said the size has been reduced to a requested 37 feet and the applicant continues to try to reduce the height.

Mr. Hamilton did not see the applicant’s situation as a hardship as defined by the Zoning Ordinance and he suggested **Ms. Kaiser** elaborate on the hardship the applicant is attempting to overcome.

Ms. Kaiser said the vegetation along the greenway belt, including 20-foot-tall trees, creates a hardship because visibility of the tenants would be reduced, potentially resulting in lost revenues to those tenants. It is important to tenants or prospective tenants to have visibility or presence at the entrance. The applicant is trying to address tenants’ needs as well as its own and those of the County.

Mr. Hamilton suggested that publicity for the shopping center could be generated through other tourist attractions, Kings Creek, Water Country, and hotels along Route 199. He suggested the Economic Development Division might offer ideas about other opportunities to create a presence for the center. He did not see a hardship issue that could justify greater signage area.

Mr. Barba did not believe the proposed shopping center offered an entirely different look, as it had been represented. In fact, it appeared to be typical of what is in the area. He had thought there would be an opportunity for a retailer such as Nordstroms.

Ms. Kaiser said the “concrete plans” are yet to be finalized. Obviously the applicant needs to get the design approved, she said, and maintained there was need for a larger sign than 64 sf, even if not 660 sf as requested; perhaps some compromise was worthwhile. It is important that

the applicant know what it will have to work with and what is going to please its retailers. All are important factors, she said.

Mr. Davis said he is pro-business and believed there could be a solution. He said many localities tie the area of allowed signage to the total square footage of the center. He suggested they may be permitted more signage as the project is built out. To ask for the total signage at this stage may not be the most desirable approach, in his opinion. Once the development is built and is successful, then some compromises may be reached based on the floor area occupied. Mr. Davis recalled this approach having been used successfully in other communities and suggested that the County might be amenable to adopting a similar stance with the applicant as the development progresses.

Ms. Kaiser thought that was a good point. She noted that the subject parcel, if subdivided into individual commercial lots, were capable of permitting a number of 64 sf signs along Route 199. Target, for instance, owns its own land and technically would be permitted to erect a 64 sf sign.

Mr. Abel noted that much had been said about this being a “destination center” and recalled the last so-called destination center in which he was involved was MacArthur Center. It has no freestanding sign to announce what is there but seems to have no problem attracting people. The vast majority of stores at a destination center such as MacArthur Center have no exterior signage. You know they are there and you’re either going to be surprised after you get in or you know what is there already. He asked Ms. Kaiser to convince him of the necessity for tenant stores’ signage if it is to be a true destination center.

Ms. Kaiser felt it was important to realize that many destination centers and many lifestyle centers are surrounded by multiple public roadways with multiple accesses, so the anchors and the signs are visible from multiple vantage points. The applicant does not have that advantage with this site; there is one entrance and a small part of one public roadway that are inhibited by a line of 20-foot-tall trees and a 45-foot greenbelt. It does not have the luxury of multiple vantage points that a typical center of this type has, she said, so the increase in signage appears warranted to allow a tenant presence at the entrance that you may not typically have at another center.

Ms. Conner said, as a business person, she was pleased that Premier Properties selected York County and believed it would be a good partnership. Her disappointment, she said, was in the fact that what she thought the center would be apparently is not what it will be. She did not think the center needed a larger sign to promote the same retailers that could be found at any other center.

Mr. Kevin McBurnette, 119 Low Ridge Road, Williamsburg, represented Penniman East Homeowners Association. The Association’s primary concern was with development within the area, he said, and he had no comments on this application.

Chair Ptasznik, hearing no others, closed the public hearing.

Mr. Abel said he was strongly opposed. He understood the applicant’s desire to set the right tone and to be visible for good business reasons. Mr. Abel’s concern was not only that the application does not satisfy the requirements for exceeding by an enormous degree the standards established for signage, but a 40-foot-tall sign evoked for him visions of the Las Vegas strip and he did not believe that was the image the County or the applicant wanted to project. Mr. Abel said it had been a stretch for him to accept 800,000 sf of retail in this particular parcel of land,

but to place a sign of such a large scale would be stepping further away from where he thought we were heading. He believed it was time to turn back in the direction the Commission envisioned when it voted in favor of the application.

Mr. Ptasznik mentioned that a similar-type of shopping center in Virginia, Short Pump, is not visible from the highway in the daytime, yet people do find it. Just as shoppers find other large retailers, such as Lowe's, Home Depot, or a car dealership, they can find major shopping centers without an enormous sign. In his opinion, the application involves too many issues to address: a 1000 percent increase in signage, signs on the walls, signs at the entrance, greenbelt issues, etc. He thought the request should be revised and suggested the applicant consider withdrawing the application in its present form and returning to the Planning Commission with a different proposal.

Mr. Hamilton moved adoption of proposed Resolution PC06-10. It was denied 0:7 by roll call vote.